

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--------------------------------|---|--------------|
| HOWARD DONOVAN WILLIAMS | : | CIVIL ACTION |
| | : | No. 12-5395 |
| v. | : | |
| | : | |
| BOROUGH OF SHARON HILL, et al. | : | |

ORDER

AND NOW, this 5th day of December, 2013, upon consideration of a motion to dismiss plaintiff's amended complaint by defendants Borough of Sharon Hill and Officer Sean William Johnson, Dkt. No. 17, and plaintiff Howard Donovan Williams's response thereto, Dkt. No. 18, and consistent with the accompanying memorandum of law, it is ORDERED that the motion is GRANTED IN PART and DENIED IN PART as follows:

1. The motion is GRANTED to the extent that it seeks dismissal of plaintiff's claims against the Borough of Sharon Hill. Plaintiff's claims against the Borough are DISMISSED in their entirety.
2. The motion is GRANTED to the extent that it seeks dismissal of plaintiff's claims under the Fourteenth Amendment. Plaintiff's Fourteenth Amendment claims are DISMISSED.
3. The motion is DENIED to the extent that it seeks dismissal of plaintiff's claims under the First Amendment.

On or before January 7, 2014, defendant Johnson shall file an answer to the claims remaining against him. Also on or before January 7, 2014, plaintiff and the remaining defendants shall agree upon a discovery schedule and submit same to the Court for approval.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.